

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

IN RE: ISAAC MASON FIELDS
JOHANNA BARCLIFF FIELDS
Debtors

Case # 11-32246-KRH
Chapter 13

FORT LEE FEDERAL CREDIT UNION

Plaintiff

v.

ISAAC MASON FIELDS
SSN/ITIN: xxx-xx-0246
24203 River Road
Petersburg, VA 23803
JOHANNA BARCLIFF FIELDS
SSN/ITIN: xxx-xx-9592
24007 Bryans Circle
Dinwiddie, VA 23803

Defendants

and

ROBERT E. HYMAN, TRUSTEE

MOTION AND NOTICE OF MOTION
FOR RELIEF FROM DEBTOR STAY PURSUANT TO 11 U.S.C. 362(d)

NOTICE

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then within 14 days from the date of service of this motion, you must file a written response explaining your position with the Court at the following address: Clerk of Court, United States Bankruptcy Court, 701 East Broad St., Richmond, VA 23219, and serve a copy on the movant's attorney. Unless a written response is filed and served within this fourteen day period, the Court may deem opposition waived, treat the motion as conceded, and issue an order granting the requested relief.

If you mail your response to the Court for filing, you must mail it early enough so the court will receive it on or before the expiration of the fourteen day period. If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Attend a hearing to be scheduled at a later date. You will receive separate notice of hearing. If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

The Motion of FORT LEE FEDERAL CREDIT UNION, by counsel, hereby
moves the Court for relief from the automatic stay and in support thereof represents unto
the Court:

Robert B. Hill, Esquire
Hill & Rainey, Attorneys
Counsel for FORT LEE FEDERAL CREDIT UNION
SBA #18751
2425 Boulevard, Suite 9
Colonial Heights, VA 23834
(804) 526-8300

HILL & RAINEY

ATTORNEYS AT LAW

2425 BOULEVARD

SUITE 9

COLONIAL HEIGHTS, VA

23834

1. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. Sections 157 and 1334 and 11 U.S.C. Section 362(d), and that this matter is a core proceeding.

2. The debtors filed a petition under Chapter 13 on April 1, 2011.

3. The Debtors are the owners of a 2005 Toyota vehicle with VIN No: 4T1BE32K95U092554, in which Plaintiff holds a valid security interest.

4. Plaintiff is the holder of a secured claim against the debtor for the sum of \$8526.44.

5. The debtor's Chapter 13 Plan was confirmed July 13, 2011 and the plan provided that the debtors would retain the vehicle and continue making monthly payments.

6. It is the opinion of the Plaintiff that the Debtor is financially unable to maintain said obligation as post petition payments are 8 months in arrears for a total past due of \$2140.00 with the last payment received in May 2013. The Plaintiff will suffer irreparable injury, loss and damage if it is not permitted to foreclose upon its security interest; otherwise Plaintiff is without adequate protection.

WHEREFORE, Plaintiff prays that it be granted relief from the provisions of the automatic stay with regard to the said above described vehicle and further requests that the ten (10) day stay be waived incident to any Order entered incident to the Motion for Relief herein.

HILL & RAINEY
ATTORNEYS AT LAW
2425 BOULEVARD
SUITE 9
COLONIAL HEIGHTS, VA
23834

FORT LEE FEDERAL CREDIT UNION

By: /S/ROBERT B. HILL
Of Counsel

PROOF OF SERVICE

I hereby certify that I have this 13th day of DECEMBER 13, mailed by first class mail, postage prepaid and/or electronically mailed, a copy of this Motion for Relief From Stay and Notice of Motion and Hearing upon each party required to receive notice under Local Bankruptcy Rule 4001(a)-1(E)(1) as follows:

Isaac Mason Fields, 24203 River Road, Petersburg, VA 23803

Johanna Barcliff Fields, 24007 Bryans Circle, Dinwiddie, VA 23803

Richard James Oulton, 2312 Boulevard, Colonial Heights, VA 23834

Robert E. Hyman, P.O. Box 1780, Richmond, VA 23218

/S/ROBERT B. HILL

Robert B. Hill, Esquire

HILL & RAINEY

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ROBERT E. HYMAN, TRUSTEE

NOTICE OF HEARING TO CONSIDER MOTION

Please take notice that a hearing will be held at the United States Bankruptcy Court, 701 East Broad St., Courtroom 5000, Richmond, VA , on January 15, 2014, at 9:30 a.m., to consider the Motion for Relief from Stay, filed by FORT LEE FEDERAL CREDIT UNION .

Date: 12/13/2013

Robert B. Hill, Esquire
Hill & Rainey, Attorneys
Counsel for FORT LEE FEDERAL CREDIT UNION
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(804) 526-8300

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COLONIAL HEIGHTS, VA

23834

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Notice of hearing was mailed by first class mail and/or electronically mailed to all interested parties on this 13th day of December, 2013.

/S/ROBERT B. HILL

Robert B. Hill, Esquire
Attorney for Movant

HILL & RAINEY

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